

AB 901: New Reporting Requirements for Recyclers, Composters, and Solid Waste Facilities

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May 19, 2016

AB 901: The Law

- AB 901 became effective on January 1, 2016.
- Revises some of the reporting requirement in the Public Resources Code.
- Provides CalRecycle with authority for audits, inspections, enforcement, and monetary penalties.

AB 901: Major Changes

- Eliminates the requirement that counties submit periodic reports to CalRecycle.
- Disposal facilities will be required to submit their disposal tonnages directly to CalRecycle and to counties that request for the information.
- CalRecycle may provide this information to jurisdictions aggregated by company upon request.
- Two other things of note:
 - Exporters, brokers, and transporters of recyclables or compost will also have to submit information including material types and quantities to CalRecycle.
 - To streamline reporting, AB 901 eliminates the requirement that recycling facilities identify the county of origin for the recycled material they handle.

AB 901: Penalties

- CalRecycle to impose penalties of \$500 to \$5,000 on any person who refuses or fails to submit the required information.
- Or assess a fine of \$500 to \$10,000 on any person who knowingly files a false report, refuses to permit CalRecycle to inspect their records, or fails to keep records for inspection, or falsifies records.

AB 901: CURRENT SYSTEM (LACountySWIMS.ORG)

- Under current law, counties are required to collect disposal information and distribute it to CalRecycle and all jurisdictions.
- SWIMS is a website managed by the County Department of Public Works located at LACountySWIMS.org.
- SWIMS is used by solid waste facility operators and waste haulers to submit their required information, such as solid waste origin, tonnages, etc., electronically to the County.
- The data from the submitted forms are aggregated by SWIMS and organized into various reports, some of which are available to the public.
- Currently, CalRecycle and the cities within Los Angeles County are notified on a quarterly basis when the relevant reports are available.

AB 901: IMPACTS ON SWIMS

(LACountySWIMS.Org)

- The County is no longer required to provide disposal reports to CalRecycle and cities within Los Angeles. As such, the County may deactivate or remove some SWIMS Reports currently available to jurisdictions and CalRecycle.
- The County will request disposal facility operators to continue to provide disposal tonnages on SWIMS.
- The County will have to request CalRecycle to provide us with the information from the recycling and composting facilities and import the provided data into SWIMS.

AB 901: CalRecycle Workshop

- A Workshop was held on Tuesday, April 26, 2016, from 1:00 to 4:30 pm at the South Coast Air Quality Management District's office in Diamond Bar.
- The workshop was designed to seek input from regulated stakeholders and provide information on the formal rulemaking process.
- Due to the complexities of Los Angeles County and its unique reporting requirements, a suggestion was made for CalRecycle staff to meet with Public Works to discuss these issues and get a more completed understanding of the County's needs. CalRecycle was open for holding such a meeting.
- In addition, Public Works' staff informed CalRecycle that the County needs to be able to continue to request facility's for their disposal information for the County's planning purposes.

AB 901: CalRecycle Workshop

- Stakeholders also were concerned about privacy issues, e.g., how much company information will be available online. They would like sensitive information to be limited to the public.
- The level of detail of reporting material types was also discussed by meeting participants. County Sanitation Districts expressed their preference that CalRecycle collect data on larger categories of material types, rather than subcategories. For example, collect data on paper, not white ledger or other specific paper types. CalRecycle stated that they may decide to let facilities report specific material types that they actually collect.
- On assessing penalties to facilities for not reporting, CalRecycle stated they will determine if the failure to report is intentional or accidental before considering assessing penalties.

AB 901: What's Next?

- CalRecycle will be holding additional workshops this summer.
- The formal rulemaking process is expected to begin by Fall 2016.
- Online reporting system is expected to be fully developed in late 2017.
- The first quarter to be reported on will be First Quarter 2018.

THANK YOU